



DIVISION OF  
ENFORCEMENT

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
100 PEARL STREET, SUITE 20-100  
NEW YORK, NY 10004-2616

February 21, 2025

BY ECF

Hon. P. Kevin Castel  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *SEC v. Gallagher*, 21-cv-8739-PKG-GWG

Dear Judge Castel:

Plaintiff Securities and Exchange Commission ("SEC") writes to request that the Court formally seal Exhibit B to the Declaration of Michael S. DiBattista in support of the SEC's omnibus opposition to Defendant Steven M. Gallagher's ("Gallagher") motions *in limine* ("DiBattista Declaration"), filed as ECF Docket Entry 174-2. Defendant Gallagher consents to this request.

On February 14, 2025, the SEC filed the DiBattista Declaration and included Exhibit B, a collection of messages sent by TD Ameritrade ("TDA") to Gallagher through TDA's secure messaging platform, KANA, between July 29, 2020 and August 25, 2021, warning Gallagher about manipulative trading in his brokerage account. See Dkt. 174 ¶ 16. The SEC accidentally did not redact Gallagher's brokerage account number, which was referenced in some of the documents within Exhibit B.<sup>1</sup>

After discovering this error, the SEC contacted the Court's ECF Help Desk, which placed a temporary seal on Exhibit B. Consistent with ECF Rule 21.7, the SEC now requests that the Court formally seal the unredacted version of Exhibit B filed as ECF Docket Entry 174-2. The SEC has enclosed a redacted version of Exhibit B with this letter. The SEC apologizes for the oversight and thanks the Court for its assistance.

<sup>1</sup> The SEC did redact this same number in other exhibits filed as part of the DiBattista Declaration.

The document set  
ECF 174-2 shall  
remain under seal  
pending further  
order of the Court.  
The Court will only  
consider the  
redacted version  
found at ECF  
182-1.

SO  
ORDERED  
MSD  
2-25-25

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Respectfully submitted,

/s/ Michael L. DiBattista

Abigail Rosen

David Stoelting

Michael DiBattista

Securities and Exchange Commission

Attorneys for Plaintiff

Encl.: Redacted Version of Exhibit B to DiBattista Declaration

cc (via ECF): Eric Rosen/Kimberly Jones  
Attorneys for Defendant